

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Advanced Practice

Section Affected: Title 16, Division 39, California Code of Regulations, Sections 4154 - Post Professional Education and Training, 4155 - Application for Approval in Advanced Practice Area, and 4156 - Advanced Practice Representation

SPECIFIC PURPOSE OF THE REGULATIONS:

Existing law requires an occupational therapist (OT) complete post professional education and supervised on-the-job training in order to provide treatment to clients in the advanced practice areas of hand therapy, physical agent modalities, and swallowing assessment, evaluation, and intervention. The proposed regulatory action removes references to "certification" in order to avoid confusion with OTs who are certified as experts by other organizations and prohibit misrepresentation by OTs who do not hold expert certifications. The proposed regulatory action also establishes time frames for the Board to respond to advanced practice applications and creates an abandonment clause.

FACTUAL BASIS/NECESSITY:

Section 4154: The regulations currently use the term "certification" in reference to an approved advanced practice application. This term can be misleading because OTs who qualify for advanced practice approval are not necessarily experts. However, in many health professions the words "certification" and "certified" suggest expertise. The purpose of advanced practice "certification" allows OTs to demonstrate to the Board minimum competency in the any of advanced practice areas in which they will be practicing. Many OTs use an acronym behind their name on business cards, letterhead, etc., in order to "advertise" their advanced practice approval(s). A number of professional organizations that certify OTs as experts also issue professional credentials and use acronyms in advertising. The Board would like to prohibit OTs from using the advanced practice acronyms behind their names to prevent those OTs from being misconstrued as experts. Consumers who are not familiar with the meaning of various acronyms may be easily confused and/or misled. The term "approval" is more appropriate than certification for this situation.

Section 4155: This section of the regulations also refers to "certification." This term is being changed to "approval" based on the justification above. This section is also being modified to establish time frames for the Board to respond to applications. The Board will notify an applicant if their application does not meet the minimum requirements for review as outlined in subsection (b). Upon receipt of a complete application, the Board will review the application within ninety (90) days and inform the applicant if their application is deficient and what specific information or documentation

is required to complete it, or if the applicant has met the requirements for approval. The proposed regulation creates an abandonment clause of six (6) months from the date of receipt of the application or last notification of deficiency, whichever is later. An application submitted subsequent to the abandonment of a previous application will be treated as a new application.

Section 4156: The proposed language prohibits OTs from using advanced practice acronyms behind their names in advertisements or representing themselves as experts or as holding a credential in any of the advanced practice areas. This section will not be enforced until January 1, 2008, giving OTs sufficient time to use their remaining supply of stationery, brochures, business cards, etc. and any other advertising materials.

UNDERLYING DATA:

No underlying data was used during the development of these regulations.

BUSINESS IMPACT:

This regulation will not have a significant adverse economic impact on business. The proposed regulation will only affect licensees and certificate holders.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.